In The High Court Of Uttaranchal, at Nainital.
Civil Misc. W.P. No. 5296 of 2001
(Old No. 13030/1982)

Municipal Employees Cooperative Society Ltd. Mussoorie through its Secretary …Petitioner.

Vs.

The District Judge, Dehradun and 2others ...Respondents.

Dated:- 23-9-2004

Hon'ble Rajesh Tandon J.

File has been transferred from Allahabad High Court. None appears on behalf of the petitioner.

By the present writ petition the petitioner has challenged the Allotment order passed by the Rent Control Eviction Officer dated 14-10-1982.

Briefly stated the facts of the case are that the petitioner being owner of the property in dispute has applied for the release of the accommodation which was rejected by the Rent Control Eviction Officer and the same was affirmed by the revisional court. Aggrieved from the above order the present petition has been preferred. The property has already been allotted to the respondent No.3. A perusal of the order shows that both the authorities concerned have passed a composite order and have not passed separate order on the release as well on the allotment application.

However, allotment order having already been made in favour of Respondent no.3 therefore there is no occasion to interfere with the order of allotment passed on 6.5.1982.

However it will be open for the petitioner to initiate fresh proceedings for release which shall be decided by the Rent Control Eviction Officer independently if the possession has not been taken by the allottee concerned.

Subject to aforesaid observation, the petition is dismissed. No order as to costs.

(Rajesh Tandon, J.)

ISB